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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,778	11/25/2003	Takashi Mukoujima	2418.62US01	4183
24113	7590	11/30/2004	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,778

Applicant(s)

MUKOUJIMA ET AL. 

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/30/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: "arrnged" (line 2) should read --arranged--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, the phrase "the seat cushion is forwardly and moved rearwardly while being vertically shifted during the rotation of the seat back in the range from the normal position to a retracted position" is unclear rendering the scope of the claim indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, 9-11, and 13-15, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,427,280 to Gahm.

Gahm discloses a vehicle seat that includes all the limitations recited in claims 1-3, 5-7, 9-11, and 13-15, as best understood. Gahm shows a vehicle seat having a seat cushion 23 (Fig. 1), a seat back 24 (Fig. 1), a seat reclining mechanism (Fig. 3), a supporting mechanism 13,14,15 (Fig. 1) movably supporting the seat cushion, a connecting mechanism 28,41 (Fig. 3) interconnecting the seat cushion and seat back, a first linking member 41 (Fig. 3) of the connecting mechanism that is connected to the seat cushion, a second linking member 28 (Fig. 3) of the connecting mechanism that is connected to the seat back, a pivot pin 29 (Fig. 3) that interconnects the first and second linking members to be aligned with a rotational axis of the seat reclining mechanism when the seat back is reclined rearwardly from the normal position, a support member 13 (Fig. 1), a linking member 13 (Fig. 1) interconnecting the seat cushion and a vehicle floor bracket 15 (Fig. 1), and a detent member 16 (Fig. 1) that is arranged and constructed such that when the seat back is rotated rearwardly and the connecting member aligns with the rotational axis then the seat cushion is inhibited from moving rearwardly wherein the connecting mechanism is arranged and constructed such that when the seat back is rotated forwardly from a normal position, the seat cushion can be repositioned forwardly and downwardly (Fig. 1) and that when the seat back is rotated rearwardly from the normal position, the seat cushion can be maintained in a substantially stationary position (Fig. 1) and wherein the first and second linking members are arranged and constructed such that when the seat back is tilted forwardly

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form the normal position, the first and second linking members are inhibited from rotation relative to each other and integrated with each other in order to move the seat cushion forwardly (Fig. 3) and when the seat back is reclined rearwardly from the normal position, the first and second linking members can be moved relative to each other to inhibit the seat cushion from moving rearwardly (Fig. 3).

6. Claims 1, 2, 6, and 10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,152,533 to Smuk.

Smuk discloses a vehicle seat that includes all the limitations recited in claims 1, 2, 6, and 10, as best understood. Smuk shows a vehicle seat having a seat cushion 34 (Fig. 3), a seat back 33 (Fig. 3), a seat reclining mechanism 32 (Fig. 2), a supporting mechanism 31 (Fig. 2) movably supporting the seat cushion, a connecting mechanism 50,60 (Fig. 1) interconnecting the seat cushion and seat back, a first linking member 60 (Fig. 1) of the connecting mechanism that is connected to the seat cushion, a second linking member 50 (Fig. 1) of the connecting mechanism that is connected to the seat back, a support member (Fig. 1), and a linking member 61 (Fig. 1) interconnecting the seat cushion and a vehicle floor bracket wherein the connecting mechanism is arranged and constructed such that when the seat back is rotated forwardly from a normal position, the seat cushion can be repositioned forwardly and downwardly (Fig. 7) and that when the seat back is rotated rearwardly from the normal position, the seat cushion can be maintained in a substantially stationary position (Fig. 5) and wherein the first and second linking members are arranged and constructed such that when the seat back is tilted forwardly from the normal position, the first and second linking members are

integrated with each other in order to move the seat cushion forwardly (Fig. 7) and when the seat back is reclined rearwardly from the normal position, the first and second linking members can be moved relative to each other to inhibit the seat cushion from moving rearwardly (Fig. 5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gahm in view of U.S. Patent No. 5,466,047 to Bauer et al.

Gahm discloses a vehicle seat that is basically the same as that recited in claims 4, 8, and 12 except that the connecting mechanism lacks a projection, stopper and tension spring, as recited in the claims. See Figures 1 and 2 of Gahm for the teaching that the vehicle seat has a projection, stopper 16, and tension spring 17. Bauer et al. show a vehicle seat similar to that of Gahm wherein the vehicle seat has a seat back 32, a first link member 38 (Fig. 2), and second link member 20 (Fig. 2) connected with a tension spring 60 (Fig. 2) providing a biasing force against rotation of the seat back from a retracted position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle seat of Gahm such that the first linking member has a projection, the second linking member has a stopper,

and a tension spring connecting the projection and stopper, such as the vehicle seat disclosed in Bauer et al. One would have been motivated to make such a modification in view of the suggestion in Bauer et al. that the tension spring on the link members biased the seat back in a forward direction into a normal position.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to vehicle seats:

U.S. Pat. No. 2,926,949 to Himka et al. U.S. Pat. No. 4,805,953 to Yamauchi
U.S. Pat. No. 5,482,349 to Richter et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



JE

November 18, 2004



Peter M. Cuomo
Supervisory Patent Examiner
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